Remarks

Each of the claims in the application has been rejected as unpatentable over Risch in view of Heiple et al and Wilson. As understood, it is asserted that it would be obvious to a person having ordinary skill in the art to modify the Risch grappling assembly to mount the arm member on the underside of the dipper stick along with the means for displacing such arm member as taught by Heiple et al, and further modify such modified structure by replacing the arm latching means as purportedly taught by Wilson to arrive at the claimed structure. Applicant submits that such proposed modification of Risch would not be obvious and achievable only with the benefit of hindsight in view of Applicant's disclosure.

Each of the claims specifically recites means for detachably latching the arm member in the operative position including a first member mountable on one of the dipper stick and the arm member having at least one transversely extending recess and a second member mountable on the other of the dipper stick and the arm member having a yieldably biased, transversely displaceable protuberance trippable upon engagement by the one of the dipper stick and the arm member and receivable in the recess when the arm member is pivoted between the operative and inoperative positions. Clearly, there is no teaching in any of the secondary references for detachably latching the arm member by pivoting the arm member and utilizing a tripping mechanism operatively engaged by the pivoting arm member. Wilson clearly does not disclose or teach any trippable latching means or the use of a swinging arm for tripping such a mechanism. A detailed inspection of such reference indicates that the attachment of a tooth 18 onto a shank member 16 requires the manual depression of locking pins 50 and holding such pins depressed while the tooth member is slid onto the shank member to register the pins with openings 43 in the shank member, thus allowing the pins under the biasing action of the springs to extend the pins into such registered openings. There is no disclosure or teaching in Wilson or the other cited secondary references of the movement of any component between operative and inoperative positions which operates to trip any retaining pins. Furthermore, as clearly shown in Figures 6, 8 and 9 of the Wilson Patent, the cylindrical side configuration of each of the pins renders them unsuitable for being tripped by a swinging component displaced between operative and inoperative positions.

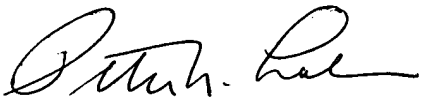
Even assuming the retaining pins of the Wilson device were trippable by a component swingable between operative and inoperative positions, it is submitted that Wilson fails to teach

the incorporation of any such feature in either the Heiple or Risch assemblies considering the facts that the use of pivotal arm members on dipper sticks cooperable with pivotal buckets mounted on dipper sticks for grappling objects therebetween have been known for at least 15 years and the purportedly teachings of Wilson have been available for almost 40 years yet no one prior to Applicant has sought to allegedly apply the teachings of Wilson to either or both of the assemblies shown in Risch and Heiple to arrive at the claimed invention.

In view of the foregoing, it respectfully is requested that the rejection of Applicant's claims be withdrawn, such claims be allowed and further that the application be passed to issue.

The Commissioner is hereby authorized to charge any underpayment of fees or credit any overpayment of fees in connection with this communication to Deposit Account 19-4375.

Respectfully submitted,



Peter N. Lalos
Registration No. 19,789
STEVENS, DAVIS, MILLER & MOSHER, LLP
1615 L Street, N.W., Suite 850
Washington, D.C. 20036-5622

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